

Rejection of Panel Recommendation Asked  
HAGGERTY FIGHTS OUSTER MOVE

By JAMES HEARTY

Criminal District Judge Edward A. Haggerty Jr. today asked the Louisiana Supreme Court to reject the recommendations of the Louisiana Judiciary Commission that he be removed from the bench.

Haggerty, arrested Dec. 17, 1969, while attending a stag party at the Motel DeVille faces a hearing before the full court Wednesday.

Today, his attorneys, Robert J. Zibilich and George E. Mouledoux, filed a brief with the court, claiming "the entire case . . . consists of his personal off-the-bench behavior, not squaring with the type of behavior that is approved by a certain segment of the society.

"NOWHERE IN the record is it indicated, or even intimated, that any off-bench activity of the respondent judge ever affected his behavior on the bench," said the brief.

Haggerty was acquitted by a fellow judge, Matthew S. Braniff, of criminal charges growing out of the "stag party" arrest.

"The record is replete with testimony as to the judge's ability, competence, industry and fairmindedness," said the 138-page document filed today.

"PERSONAL BEHAVIOR that may not fit the norms of and standards of 100 per cent of the community cannot possibly wipe out a most admirable judicial career that has exceeded 13 years," Haggerty's attorneys told the court.

Haggerty's career "has included more than 25 years of public service in a judicial, prosecutive and military" fields, his counsel said. "Having served this many years it would seem that the choice should be left to the people . . . to determine whether he should be retained."

"It is quite true that there may well be an association between the off-bench conduct of a given judge and his on-bench conduct," the brief said. "However, since the Constitutional provisions must be strictly construed, it is not proper to assume that the off-bench conduct of the judge is necessarily going to affect his on-bench conduct.

"There must be some showing that willful conduct related to his official duties, or putting it another way, that his official duties suffered as a result of the alleged misconduct."

THE BRIEF said during the trial of the "celebrated Shaw case" Judge Haggerty's fellow judges suggested he be taken out of the allotment (of cases) so he would receive no new cases during the 40 days of the trial.

"This he refused, and despite the fact that the trial lasted 40 days and he could handle no other matters, his docket still compares more than favorably with his fellow judges."

"The writer thinks that this speaks eloquently against any allegation that he has failed to perform his duties by either being late or absent on occasion."